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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,960	11/14/2001	Krzysztof Marasek	450117-03596	6776
20999	7590	05/13/2005	EXAMINER	
FROMMERM LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				VO, HUYEN X
ART UNIT		PAPER NUMBER		
		2655		

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/992,960	MARASEK ET AL.	
	Examiner	Art Unit	
	Huyen Vo	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 and 7-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant has submitted an amendment filed 2/8/2005 amending claims 1-5 and 7-8, while arguing to traverse the art rejection based on a limitation regarding "*the claimed invention relates to a method for recognizing speech wherein a received utterance is to be evaluated by using confidence score*" (see amendment page 6). Applicant's arguments have been considered but are not persuasive. Nowhere in the base claim 1 mentions the step of evaluating the input utterance by using confidence score. Even if the base claim included the step of evaluating the input utterance by using confidence score, Crespo et al. (US 6397179) would have still read on this limitation, unless the applicant specifically spells out the essential steps of performing confident measures. Crespo et al. fully anticipate this limitation in that after the first two passes or fast match a limited number sentence hypothesis are produced. These sentence hypothesis are subjected to the last two passes, known as rescoring, to perform a more detailed search of the word graph produced by the fast match to output the most likely or most confident word hypothesis (*col. 7, lines 1-35, the most likely word hypothesis is considered the same as the most confident word hypothesis*). Therefore, previous grounds of rejection are maintained.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2655

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Crespo et al. (US Patent No. 6397179).

4. Regarding claim 1, Crespo et al. disclose a method for recognizing speech, comprising: receiving an utterance, wherein the received utterance (U) is subjected to a recognition process in its entirety (*element 12 in figure 1*), performing a rough estimation is made on whether or not said received utterance (U) is accepted or rejected in its entirety (*output of CSR component 14 in figure 1, inherent in the CSR or col. 1, ln. 27-36*), wherein when said received utterance (U) is accepted, it is thoroughly reanalyzed so as to extract its meaning and/or intention (*N-best word sequences are passed to NLU for thorough analysis, referring col. 2, ln. 21-55*), extracting keywords and/or key-phrases from the accepted utterance (U), essentially being representative for its meaning, based on the reanalysis of the accepted utterance (*col. 2, ln. 21-55*), and wherein a thorough estimation is made on whether or not said extracted keywords and/or key-phrases are accepted or rejected (*col. 7, lines 1-35, the last two passes or the rescore step*).

5. Regarding claim 4, Crespo et al. further disclose that the rough estimation on accepting/rejecting the utterance a rough and/or simple confidence measure (CMU) for the entire utterance (U) is determined (*col. 2, ln. 56-67, well known in the art*).

6. Regarding claim 5, Crespo et al. further disclose that the reanalysis of the received utterance (U) is based on a sentence analysis, including a grammar, syntax, semantic analysis and/or the like (*col. 2, ln. 21-55*).

7. Regarding claim 7, Crespo et al. further disclose that the thorough estimation on accepting/rejecting said key-phrases and/or keywords a detailed and/or robust confidence measure (CMK) for each single key-phrase or keyword is determined on demand (*col. 7, ln. 37 to col. 8, ln. 31, "salient words"*).

8. Regarding claim 8, Crespo et al. further disclose that a confidence measure (CMK) for the single key-phrase/keyword is determined only if in the step of determining said key-phrase/keyword and indication therefore occurs so as to reduce a computational burden (*col. 7, ln. 1 to col. 10, ln. 50*).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo et al. (US Patent No. 6397179) in view of Brems et al. (US Patent No. 5566272).

11. Regarding claims 2-3, Crespo et al. do not specifically disclose that in the case of rejecting the utterance (U) a rejection signal is generated, wherein as said rejection signal a reprompting signal and/or in a dialogue system an invitation to repeat/restart the last utterance (U) is generated and/or output. However, Brems et al. teach that in the case of rejecting the utterance (U) a rejection signal is generated (*figure 2*), wherein as said rejection signal a reprompting signal and/or in the case of a dialogue system an invitation to repeat/restart the last utterance (U) is generated and/or output (*figure 2*).

Since Crespo et al. and Brems et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Crespo et al. by incorporating the teaching of Brems et al. in order to enable communication between the user and the machine to allow users to re-enter input.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HXV

May 3, 2005


SUSAN MCFAADDEN
PRIMARY EXAMINER

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PRIMARY EXAMINER